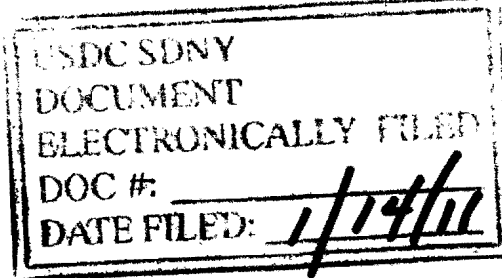


**THE ABOUSHI LAW FIRM**

501 Fifth Avenue, Suite 305  
New York, NY 10017  
Phone: (212) 300-2113  
Fax: (646) 367-4925

December 23, 2010

**VIA FAX: 212.805.7948**  
Honorable Richard J. Holwell  
Daniel Patrick Moynihan  
United States Courthouse  
500 Pearl St. Courtroom 17B  
New York, NY 10007-1312  
Phone: 212.805.0256



**RE: Walker, et al v. The Original Homestead Restaurant, Inc., et al.**  
**Case No. 08 Civ. 6117 (RJH)**

Dear Judge Holwell,

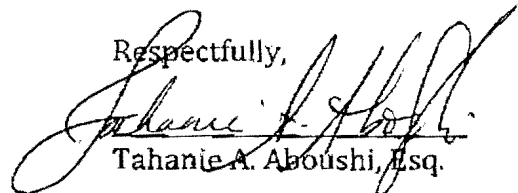
I am counsel to Plaintiffs Sayed Khalil and Wayne Walker in the above captioned matter. On December 3, 2010, the case was settled before the Honorable James L. Cott. Thereafter, the Settlement Agreement and a Stipulation to Discontinue was filed by counsel to Defendants, Amanda M. Fugazy.

As per the Settlement Agreement, Defendants are to disburse their first payment on or before December 31, 2010 and the second and final payment on or before January 31, 2011. I am respectfully requesting the case be reopened so as to withdraw the Stipulation to Discontinue to be held in escrow until the final payment is received by my clients thereby ensuring compliance with the agreement. Once received, the Stipulation to Discontinue will be re-filed.

I have spoken to counsel for Defendant regarding this request and they do not consent.

If you have any questions or concerns, please do not hesitate to contact me. Thank you.

Respectfully,


  
Tahanie A. Aboushi, Esq.

cc: VIA FAX  
Amanda M. Fugazy  
225 Broadway, 39<sup>th</sup> Floor  
New York, NY 10017  
Phone: 212.346.0570  
Fax: 484.805.7022

Michael J. Borelli, Esq.  
One Old Country Road, Suite 347  
Carle Place, NY 11514  
Phone: 516.248.5550  
Fax: 516.248.6027

Plaintiff's request to reopen  
the case is denied without  
prejudice to renew in the  
event that defendant defaults  
on its obligations under the  
settlement agreement.

SO ORDERED

  
RICHARD J. HOLWELL  
UNITED STATES DISTRICT JUDGE

1/14/11